

# Lincoln



# Nebraska's Capital City

July 10, 2001

Mayor Wesely and City Council  
City of Lincoln  
City County Building  
Lincoln, NE

Mayor Wesely and Members of the City Council:

An investigation has been made regarding the application of The Blue Cactus Inc, d.b.a. The Blue Cactus, 5555 South 48<sup>th</sup> Street requesting a class I liquor license for this location. This location was previously known as Blue Heron Wine Bar & Bistro, which did hold a class I liquor license.

Robert Furman, sole stockholder has requested that he be approved as the manager of the requested liquor license.

Background information on the applicant is as follows:

Robert Furman was born in Alliance, Nebraska. He attended the University of Nebraska graduating in 1967. Mr. Furman was a member of The United States Armed Forces from 1967 to 1969 and did receive an honorable discharge.

Robert Furman was employed by the Y.M.C.A from 1975 to 2000 as a manager.

If this application is approved, it should be with the understanding that it conforms to all the rules and regulations of Lincoln, Lancaster County and the State of Nebraska.

THOMAS K. CASADY, Chief of Police



**Police Department**

575 South 10th Street / Lincoln, Nebraska 68508 / Phone: 402-441-7204 / Fax: 402-441-8492 / Website: [www.ci.lincoln.ne.us](http://www.ci.lincoln.ne.us)

**A nationally accredited law enforcement agency**



Liquor License Investigation

Business (DBA) The Blue Cactus

☒ Manager

☒ Owner

Other \_\_\_\_\_

Name: Robert Forman

US Citizen ?

☒ Yes

No

Has applicant ever been cited for liquor law violations ?

☒ No

Yes

Explain \_\_\_\_\_

Does applicant have an interest in another liquor license ?

☒ No

Yes

Explain \_\_\_\_\_

Is spouse qualified to hold a license ?

☒ Yes

No

N/A

How is applicant if not an owner to be paid ?

Salary

Hourly N/A

How many hours will applicant be at the establishment ?

50-80

Any other employment ?

☒ No

Yes, explain \_\_\_\_\_

Any previous experience with a liquor license? Yes

☒ No

Any criminal convictions ?

☒ No

Yes

Comments \_\_\_\_\_

Is applicant a property owner in Lincoln ?

☒ Yes

No

Is applicant involved in any civil litigation ?

☒ No

Yes

Comments \_\_\_\_\_

☒ Photo

☒ Records Check

☒ References

Comments \_\_\_\_\_

Interview Date 7 / 10 / 01

Liquor License Business Report / Completed by Inv Fosler Date: 7-10-01

DBA: The Blue CACTUS

ADDRESS 5555 so 48TH suite F PHONE 423-1144

TYPE OF INVESTIGATION:

PURCHASE

UPGRADE

EXPANSION

NEW

OWNER

MANAGER

OTHER \_\_\_\_\_

TYPE OF BUSINESS Rest.

CLASS: A B C D (I) J K CATERING OTHER \_\_\_\_\_

OWNERSHIP CORPORATION PARTNERSHIP INDIVIDUAL

PURCHASE PRICE 45,000 PROPERTY EQUIPMENT VALUE \_\_\_\_\_

AMOUNT FINANCED 70,000 SOURCE Home Equity - Union

COLLATERAL Home COSIGNER(S) wife

LEASE AGREEMENT 18 mo's 4000<sup>00</sup>

EST INCOME %FOOD 70 %LIQUOR 30

COMMERCIAL

INDUSTRIAL

RESIDENTIAL

TRAFFIC moderate PARKING off-street

READY FOR OPERATION: (YES) NO, EST DATE Aug 1st

FOOD SERVICE Southwestern Mexican # OF EMPLOYEES F/T 4-5 P/T 15

DOES LICENSE COMPLY WITH LEGAL DISTANCES: (YES)  
NO \_\_\_\_\_

EST SEATING 200 EST # DAILY CUSTOMERS 250

HOURS OF OPERATION 11am - 10pm 7 days

HUMAN RIGHTS COMMISSION CHECKED YES NO (N/A)

## STATE OF NEBRASKA



CERTIFIED

June 28, 2001

NEBRASKA LIQUOR CONTROL COMMISSION

Forrest D. Chapman

Executive Director

301 Centennial Mall South, 5th Floor

P.O. Box 95046

Lincoln, Nebraska 68509-5046

Phone (402) 471-2571

Fax (402) 471-2814

TRS USER 800 833-7352 (TTY)

Mike Johanns  
GovernorRE: Class I Application (The Blue Cactus Inc.)  
5555 So. 48th St.71666  
177

Dear Local Governing Body:

Attached is the form to be used on all retail liquor license applications. Local clerks must collect proper license fees and occupation tax per ordinance, if any, before delivering the license at time of issuance.

TWO KEY TIME FRAMES TO KEEP IN MIND ARE:

- 1) You have 45 days to conduct a hearing after the date of receipt of the notice from this Commission (§53-134). You may choose **NOT** to make a recommendation of approval or denial to our Commission.

PER §53-133, THE LIQUOR CONTROL COMMISSION SHALL SET FOR HEARING ANY APPLICATION WHEREIN:

- 1) There is a recommendation of denial from the local governing body.
- 2) A citizens protest; or
- 3) Statutory problems that the Commission discovers.

PLEASE NOTE...A LICENSEE MUST BE "PROPERLY" LICENSED IN ORDER TO PURCHASE FROM WHOLESALERS; AND, A LICENSE IS EFFECTIVE:

- 1) Upon payment of the license fees;
- 2) Physical possession of the license;
- 3) Effective date on the license.

Sincerely,

NEBRASKA LIQUOR CONTROL COMMISSION

  
Licensing Division

Enclosures

Rhonda R. Flower  
CommissionerR.L. (Dick) Coyne  
ChairmanBob Logsdon  
Commissioner

An Equal Opportunity/Affirmative Action Employer

Printed with soy ink on recycled paper

FORM 35-4001  
REV 12-99

**APPLICATION FOR LICENSE**

Nebraska Liquor Control Commission  
PO Box 95046, 301 Centennial Mall South  
Lincoln, NE 68509-5046

<http://www.nol.org/home/NLCC>

Phone: (402) 471-2571

Fax: (402) 471-2814

RECEIVED

JUN 19 2001  
Nebraska Liquor  
Control Commission

**INSTRUCTIONS:** Include: 1. Applicable fees payable to Liquor Control Commission  
2. Copy of birth certificate or naturalization papers proving U.S. citizenship for each individual and spouse named on application (not required of corporations or spouse(s) who file an affidavit of no interest with application, Commission form 4178 3. Corporations must include copy of articles of incorporation as filed with the Secretary of States office in the state of Nebraska 4. Commission checklist, form 4251  
5. Fingerprint cards and processing fees (are required of individuals, all partners and spouses. Corporate applicants must file for CEO/Manager & stockholders holding over 25% stock 6. All applications must be typewritten or printed clearly 7. Submit in Triplicate

**CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND LIST OF FEES FOR EACH**

Class of License (Check applicable class)	Registration Fee	License Fees	Corporate Surety Bond
<input type="checkbox"/> A Beer, On Sale Only - Inside Corporate Limits	\$45.00	Collected at Local Level	exempt
<input type="checkbox"/> F Beer, On Sale Only - Outside Corporate Limits	\$45.00	Collected at Local Level	exempt
<input type="checkbox"/> B Beer, Off Sale Only - Inside/Outside Corporate Limits	\$45.00	Collected at Local Level	exempt
<input type="checkbox"/> J Wine, Beer, On Sale Only - Inside Corporate Limits	\$45.00	Collected at Local Level	exempt
<input checked="" type="checkbox"/> I Spirits, Wine, Beer, On Sale Only - Inside Corporate Limits	\$45.00	Collected at Local Level	exempt
<input type="checkbox"/> D Spirits, Wine, Beer, Off Sale Only - Inside Corporate Limits	\$45.00	\$150.00	exempt
<input type="checkbox"/> C Spirits, Wine, Beer On & Off Sale - Inside Corporate Limits	\$45.00	Collected at Local Level	exempt
<input type="checkbox"/> M Bottle Club (Spirits, Wine, Beer, On Sale)	\$45.00	Collected at Local Level	exempt
<input type="checkbox"/> H Nonprofit Corporation	\$45.00	Collected at Local Level	exempt
<input type="checkbox"/> K Wine Only, Off Sale	\$45.00	Collected at Local Level	exempt
<input type="checkbox"/> O Boat	\$45.00	\$50.00	exempt
<input type="checkbox"/> V Manufacturer of Beer, Wine & Distilled Spirits	\$45.00	Varies \$100 to \$1,000	\$10,000 min.
<input type="checkbox"/> X Wholesale Liquor	\$45.00	\$500.00	\$ 5,000 min.
<input type="checkbox"/> W Wholesale Beer	\$45.00	\$250.00	\$ 5,000 min.
<input type="checkbox"/> Y Farm Winery	\$45.00	\$250.00	\$ 1,000 min.
<input type="checkbox"/> L Craft Brewery (Brew Pub)	\$45.00	\$250.00	\$ 1,000 min.

TYPE OF APPLICATION	CORPORATE SURETY BOND INFORMATION
Type of application being applied for (place appropriate number in box) <div style="border: 1px solid black; padding: 5px; display: inline-block; margin: 10px;">3</div> 1= Individual License requires Form 1 to be attached. 2= Partnership License requires Form 2 to be attached. 3= Corporate License requires Form 3 and 4 and Manager Application be attached.	Bond Company - for Classes L V W X Y only <div style="border: 1px solid black; height: 30px; width: 100%; margin: 5px;"></div> Start Date Month/Day/Year      Bond Number <div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; width: 150px; height: 30px; margin: 5px;"></div> <div style="border: 1px solid black; width: 150px; height: 30px; margin: 5px;"></div> </div>

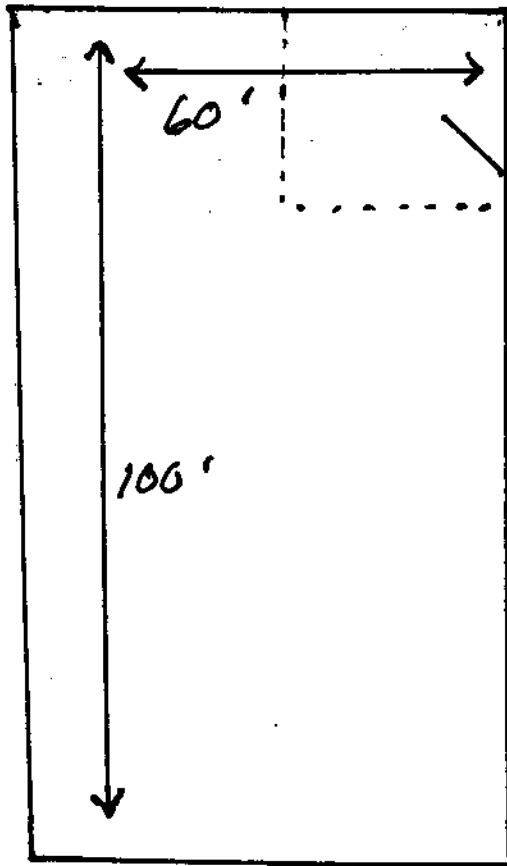
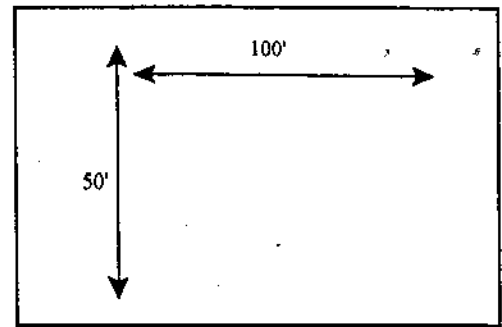
**SECTION A - LOCATION INFORMATION - Must be completed by all applicants**

Trade Name (name of business) <b>THE BLUE CACTUS</b>		Telephone Number at premise to be licensed <b>(402) 423-1144</b>	
1) Street Address of Proposed licensed premise <b>5555 So. 48th St. SUITE F</b>		2) Mailing Address for receipt of Liquor Control Commission mailings <b>5555 S. 48th ST. SUITE F</b>	
City	County	Zip Code	
<b>LINCOLN</b>	<b>LANCASTER</b>	<b>68516</b>	

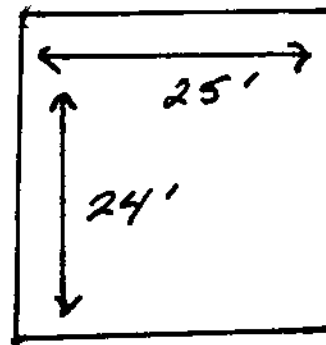
# DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED

In the space provided draw the area to be licensed. This should include storage areas, basement, sales areas and areas where consumption or sales of alcohol will take place. If only a portion of the building is to be covered by the license, you must still include dimensions (length x width) of the licensed area as well as the dimensions of the entire building in situations where only a portion of the entire bldg. is to be covered by the license. No blue prints will be accepted. Be sure to indicate the direction North and number of floors of the building.

N ↑



Example: East portion approximately 50' x 100' of main floor of 3 story building plus basement approximately 30' x 50' at the East end.



LOFT +  
STORAGE  
AREA

→ N

## SECTION B

## OTHER INFORMATION REQUIRED

1. READ CAREFULLY. Answer completely and accurately.

Has anyone who is a party to this application, or their spouse, ever been convicted of or plead guilty to any criminal charge. Criminal charge means any charge alleging a felony or misdemeanor violation of a federal or state law; or a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

Yes

No

Explanation/Comments

ND

	Yes	No	Explanation/Comments
2. Are you buying the business and/or assets of a licensee? If yes, submit a copy of the sales agreement with a listing of assets being acquired including liquor inventory (name brand and container size required).		NO	
3. Are you filing a temporary agency agreement, Commission form 4231, whereby current licensee allows you to operate on their license? If yes, attach copy.		NO	
4. Are you borrowing any money from any source to establish and/or operate the business? If yes, list the lender.	YES		UNION BANK and TRUST CO.
5. Will any person or entity other than licensee be entitled to a share of the profits of the establishment? If yes, explain.		NO	
6. Will any of the furniture, fixtures and equipment to be used in this business be owned by others? If yes, list such items and the owner.		NO	
7. Will any person(s) other than named in this application have any direct or indirect ownership or control of the business? If yes, explain?		NO	
8. Are the premises to be licensed within 150 ft. of a church, school, hospital, home for the aged or indigent persons or for veterans, their wives, children, or within 300 ft. of a college or university campus? If yes, list the name of such institution and where it is located in relation to the premises. Per Sec. §53-177.		NO	
9. Is anyone listed on this application a law enforcement officer? If yes, list the person, the law enforcement agency involved and the persons exact duties.		NO	
10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business and the person(s) who will be authorized to write checks and/or make withdrawals on accounts at such institutions.			UNION BANK & TRUST CO. ROBERT G. FURMAN
11. List all past and present liquor licenses held by any person named in this application. Include license holder name, location of license and license number. Also list reasons for termination of any licenses previously held.			NONE N/A
12. List the person who will be the on site supervisor of the business and the estimated number of hours per week such person or manager will be on the premises supervising operations.			ROBERT G. FURMAN 50 HRS / WK.
13. List the training and experience of the person listed in #12 above in connection with selling and/or serving alcohol products.			N/A none
14. If the property for which this license is sought is owned, submit a copy of the deed, or proof of ownership, if leased submit a copy of the lease covering the entire license year. (Documents must show title or lease held interest in name of applicant as owner or lessee in the individual(s) or corporate name for which the application is being filed)			included Lease 10-31-02
15. When do you intend to open for business?			Late July, 2001

15. List the principal residence for the past 10 years for all persons required to submit fingerprint cards. If necessary attach a separate sheet.

NAME	FROM (YEAR)	TO (YEAR)	RESIDENCE (CITY, STATE)
ROBERT C. FURMAN	1996	2001	1240 N. LINWOOD
NANCY C. FURMAN	1996	2001	LINCOLN, NE 68505
	1976	1996	8111 VINE
			LINCOLN, NE
			68505

The undersigned applicant(s) hereby consent(s) to a background investigation and release of present & future records of every kind and description including police records, tax records (State and Federal), bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation or any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete and/or inaccurate.

Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules, regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

Must be signed in the presence of a notary public. Must be signed by applicant and spouse; if a partnership, all partners and spouses must sign and corporation, all stockholders (holding more than 25% of the stock), officers, directors and spouses must sign. Full names only, initials not acceptable.

sign  
here

*Robert C. Furman*

sign  
here

sign  
here

*Nancy C. Furman*

sign  
here

sign  
here

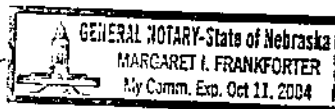
sign  
here

sign  
here

sign  
here

Subscribed in my presence and sworn to before me this 19<sup>th</sup> day of June, 2001.

(SEAL)



In compliance with ADA, this application for license form is available in other formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternative format.

Sign  
here

*Margaret I. Frankforter*  
Notary Public Signature

**Corporation Application for License - Form 3 and 4**  
Nebraska Liquor Control Commission

**RECEIVED**

JUN 19 2001

NEBRASKA LIQUOR CONTROL COMMISSION

**INSTRUCTIONS:**

- 1) Application and application for manager must be typewritten and submitted in triplicate.
- 2) Fingerprint cards (2 cards per person) must be submitted for each stockholder owning over 25% stock, chief executive officer, manager and all spouses.
- 3) Information regarding spouses must be completed; indicate if **NOT** married, or, spouse may provide an affidavit of **NO** interest if they have no [redacted] all, direct, [redacted]

Is this corporation organized under the laws of Nebraska, not exempted from the payment of Federal Income Taxes as provided by Section (501)(c)(4), (7) or (8) Internal Revenue Code of 1954. ☐ YES ☒ NO If yes, a certified copy of letter of exemption from the Internal Revenue Service shall be attached to this application recognizing the exempt status of the corporation.

Name of Corporation That Will Hold License. Attach copy of State of Nebraska Registration.  The Blue Cactus, Inc.				Total Number of Shares. Attach Copies of Stock Certificates.  500	
Corporate Street Address (1) 1240 N. Linwood			Corporate Street Address (2)		Corporate Telephone Number 402-488-1972
City Lincoln	County Lancaster		State Nebraska		Zip Code 68505
Name of Resident Agent Robert G. Furman			Name of Manager Robert G. Furman		
<b>IN THIS SECTION LIST THE NAME OF THE CHIEF EXECUTIVE OFFICER</b>					
Name Robert G. Furman			Title President		Date of Birth [redacted]
Social Security Number [redacted]					
Home Address (1) 1240 N. Linwood		Home Address (2)		Driver's License Number G02134907	
State NE		Zip Code 68505			
Home Telephone Number 402-488-1972		Business Telephone Number 402-423-1144			

# Corporation Application for License - Form 3 and 4

PRINCIPLE OFFICERS, DIRECTORS, STOCKHOLDERS AND SPOUSES				
Name of Officers, Directors, Spouses and Address. Give Last Name, First Name, Middle, Maiden, and any aliases	Social Security Number	Date of Birth	Title	Number of Shares
OFFICER'S NAME Furman, Robert Gerald	[REDACTED]	[REDACTED]	President	500
Spouse's Name Furman, Nancy Carol Stier	[REDACTED]	[REDACTED]	Spouse	
OFFICER'S NAME				
Spouse's Name				
OFFICER'S NAME				
Spouse's Name				
OFFICER'S NAME				
Spouse's Name				
OFFICER'S NAME				
Spouse's Name				
OFFICER'S NAME				
[REDACTED]				

(If Necessary, Continue on Separate Sheet)

Is this Corporation controlled by another Corporation? ☐ YES ☒ NO

If YES, LIST EACH SHAREHOLDER OWNING MORE THAN 25% stock in that corporation. Any applicant who has a Corporation as a shareholder MUST file an organizational chart listing all shareholders and/or corporations owning more than 25% stock. (If needed use separate sheet)

Name of Control Corporation

Please indicate below your corporate tax year with the IRS.

Starting Date: January 1 Ending Date: December 31

Are any of the stockholders, officers, directors, or spouses ineligible personally to receive a license? ☐ YES ☒ NO

If YES, list the names of such persons and the reason(s) they are ineligible. Use Separate Sheet (If Applicable)

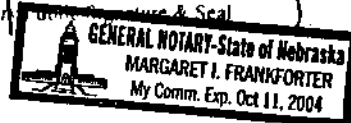
POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That The Blue Cactus a corporation organized and doing business under the laws of the State of Nebraska, with its registered corporate office in Lincoln, Lancaster County, Nebraska, does hereby nominate and appoint Robert G. Furman of Lancaster County, Nebraska, who is a registered agent and attorney-in-fact to represent the corporation before the Nebraska Liquor Control Commission, as required, specified, or provided for by section §53-126 of the Nebraska Liquor Control Act.

STATE OF NEBRASKA,

Lancaster County

Margaret I. Frankforter  
Notary Public - State of Nebraska



By

Robert G. Furman  
PRESIDENT

SECRETARY

In Compliance with ADA, this form is available in other formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternate format

# STATE OF NEBRASKA



Mike Johanns  
Governor

## NEBRASKA LIQUOR CONTROL COMMISSION

Forrest D. Chapman

Executive Director

301 Centennial Mall South, 5th Floor

P.O. Box 95046

Lincoln, Nebraska 68509-5046

Phone (402) 471-2571

Fax (402) 471-2814

TRS USER 800 833-7352 (TTY)

June 19, 2001

I, Robert G. Furman, assignee of  
a lease described as 5555 S. 48<sup>th</sup>, Suite  
F of Briarhurst Center, LINCOLN, NE.

do hereby assign said lease over to  
the BLUE CACTUS, INC., a corporation  
registered in Nebraska.

This is effective until 10-31-02.

Robert G. Furman

Signed

ROBERT G. FURMAN

June 19, 2001

date

Done this 19<sup>th</sup> day of June, 2001

Margaret L. Frankforter  
Notary Public



Rhonda R. Flower  
Commissioner

Bob Logsdon  
Chairman

R.L. (Dick) Coyne  
Commissioner

An Equal Opportunity/Affirmative Action Employer

Printed with soy ink on recycled paper

# CERTIFICATE



Five Hundred (500) *Shares*  
*Issued to*

Robert Furman

10 Linwood

Portland, ME 04105

June 13, 2001

FROM WHOM TRANSFERRED

Corporation

June 13, 2001

FINAL DATE	NO. ORIGINAL SHARES	NO. OF SHARES TRANSFERRED
3	n/a	500

*VOID* CERTIFICATE NO. 10/  
 500 *Shares*  
 8<sup>th</sup> day of June,  
 2001

INCORPORATED UNDER THE LAWS OF

No. *500* Shares *500*

*Robert Furman*

**THIS CERTIFIES THAT** *Robert Furman* is the owner of  
*Five hundred (500) Shares of common stock* each of the Capital Stock of  
 The Blue Cactus, Inc.  
*transferrable only in the books of the Corporation by the holder*  
*herein or by his attorney or by order of this Certificate*  
*properly endorsed.*  
 In Witness Whereof, the said Corporation has caused this Certificate to be  
 signed by its duly authorized officers and attested with the Seal of the Corporation  
 this *13* day of *June*, 2001

SHARES EACH